# Prison Rape Elimination Act Annual Report Fiscal Year 2019 January 1, 2019 to December 31, 2019

### Introduction

The federal Prison Rape Elimination Act (PREA) requires that each state prepare an annual report on the effectiveness of its efforts to reduce sexual abuse in any program, facility, or institution utilized for the confinement of youth and adults. The following information details the Douglas County Youth Center's compliance with the standards proscribed by the PREA Act. These standards are outlined in the PREA Standards for Juvenile Facilities. 115.387, 115.388, and 115.389

## Purpose:

In 2003, a federal law was passed called the Prison Rape Elimination Act or better known as PREA. PREA requires that every state comply with a set of standards that attempts to eliminate the sexual abuse of youth and inmates in correctional settings. The Douglas County Youth Center is required to complete an audit by a certified Department of Justice (DOJ) auditor. The Douglas County Youth Center is committed to complying with Prison Rape Elimination Act (PREA) through effective programming and training. This report provides an analysis of the incidents that have happened with the fiscal year 2019 starting January 1, 2019 and ending December 31, 2019.

# **General Definitions as defined by the PREA Standard 115.5**

Substantiated allegation - means an allegation that was investigated and determined to have occurred.

**Unfounded allegation** - means an allegation that was investigated and determined not to have occurred.

**Unsubstantiated allegation** - means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

# <u>Definitions related to SEXUAL ABUSE as defined by PREA Standard 115.6</u>

Sexual abuse of a (youth) resident by another (youth) resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;

- 3) Penetration of the anal or genital opening of another person, however slight, by a hand,
- 4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

# Sexual abuse of a resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b) Contact between the mouth and the penis, vulva, or anus;
- c) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- d) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- e) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a)-(e) of this section;
- g) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- h) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

# Definitions related to SEXUAL HARASSMENT as defined by PREA Standard 115.6

- 1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another; and
- 2) Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

# **DOUGLAS COUNTY YOUTH CENTER**

Reported incidents of sexual abuse April 10 to December 1, 2017

	Youth on Youth Allegations					
	Reported	Substantiated	Unsubstantiated	Unfounded		
Sexual Abuse (sub section 1)	0	0	0	0		
Sexual Abuse (sub section 2)	0	0	0	0		
Sexual Abuse (sub section 3)	0	0	0	0		
Sexual Abuse (sub section 4)	2	2	0	0		
Total Allegations	0	0	0	0		

	Staff on Youth Allegations				
	Reported	Substantiated	Unsubstantiated	Unfounded	
Sexual Abuse (sub section a)	0	0	0	0	
Sexual Abuse (sub section b)	0	0	0	0	
Sexual Abuse (sub section c)	0	0	0	0	
Sexual Abuse (sub section d)	0	0	0	0	
Sexual Abuse (sub section e)	0	0	0	0	
Sexual Abuse (sub section f)	0	0	0	0	
Sexual Abuse (sub section g)	0	0	0	0	
Sexual Abuse (sub section h)	0	0	0	0	
Total Allegations	0	0	0	0	

# **DOUGLAS COUNTY YOUTH CENTER**

Reported incidents of sexual harassment April 10 to December 1, 2017

	Youth on Youth Allegations				
	Reported	Substantiated	Unsubstantiated	Unfounded	
Sexual Harassment (sub section 1)	0	0	0	0	
Sexual Harassment (sub section 2)	0	0	0	0	

The Douglas County Youth Center received 0 allegation of youth on youth sexual harassment during the calendar year 2018 reported from January 1, 2019 until December 31 2019 and no staff on youth allegations. The effort over the last two years with education of staff, volunteers, detainees, and contractors on sexual harassment and what it consist of led to zero allegations. The administrative review team looked into this subject and just because we had zero allegation we brainstormed on different programs and how we could improve getting the word about sexual harassment. We are hoping to implement some new brochures in the next few months on sexual harassment.

The Douglas County Youth Center received two allegations of youth on youth sexual assault during the calendar year 2018 reported from January 1, 2019 until December 31, 2019.

The first report happened in January of 2019. This was a youth on youth allegation. The youth notified us of the incident by way of grievance form she filled out. It was alleged she was grabbed on the breast by another youth on her living unit. The PREA coordinator was informed and administrative investigation was started. Both youth were interviewed and investigation showed the incident was substantiated by review of camera footage. It was determined the grab was a retaliation to the other victim of the grab flicked the other youth on the ear. We closed the investigation by asking if the victim wanted to press charges. She declined. We did a follow-up review of the incident which was documented. We also did follow up with both youth on setting boundaries and not touching other youth.

The second report happened in May of 2019. This was a youth on youth allegation. The youth directly told the JDS on the living unit of the allegation in turn the JDS contacted the supervisor and filed a report. It was alleged he was grabbed on the genital by another youth in the recreation area of their living unit while playing basketball. The PREA coordinator was informed and administrative investigation was started. Both youth were interviewed and investigation showed the incident was substantiated by review of camera footage. The footage showed that the youth's genitals were touched but, it was accidental touching during a basketball game. Both detainees were informed of the result of the investigation. One of the youth was moved to a different unit. We did a follow-up review of the incident which was documented. We also did follow up with both youth.

# Conclusion

The Douglas County Youth Center is committed to providing for the safety of and well-being of the youth we serve. As we progress, we remain committed to this important initiative as evidenced in the resources we have invested to educate our youth and staff, the operating procedures that we have modified to ensure strong policy and procedure, and the upgrades that have occurred to our camera monitoring technology. The prevention, detection, reporting, and investigating of all forms of sexual abuse and/or sexual harassment remain a priority for our facility. Continued growth and support in this area is anticipated in the coming year.